

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF**

74-2093

IN THE
UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

DOCKET NO. 74-2093

7

REV. DONALD L. JACKSON

Plaintiff - Appellant,

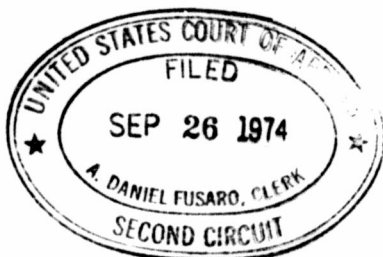
vs.

THE STATLER FOUNDATION, et al

Defendants - Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WRIT OF HABEAS CORPUS - APPELLANT



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QUESTION PRESENTED FOR REVIEW:

Appeal from Judgment, Decision and Order of Judge Curtin, issued in United States District Court, For Western District of New York, May 6, 1974 and August 5, 1974.

Request United States Court of Appeals, to reverse Judge Curtin's decision staying proceedings and dismissing Plaintiff's Motion for Summary Judgment, and Judge Curtin's decision not to appoint a Three-Judge-Court to hear the issues in this case. Plaintiff request that United States Court of Appeals, for the Second Circuit, to review the issues in this and Grant Plaintiff's Motion for Summary Judgment. One of the main issues raised in this suit is the Right to Vote in an Organization holding a Tax Exemption Status, from United States Government and The State of New York, for election of Directors, Trustees, and Officers.

Plaintiff further request the Court to revoke the Tax Exemption Status held by these foundation, for practicing Racial Discrimination, and discrimination because of wealth or lacking wealth being discriminated against for.

STATEMENT OF THE CASE

That a similar case was file in United States District Court, for the Western District of New York, on December 27, 1971, and on March 7, 1973, Judge Curtin, dismissed the lawsuit stating there was No State Action, an Appeal was made to United States Court of Appeals for Second Circuit, and it was argued October 20, 1973, and Decision was rendered December 4, 1973, and Revised Decision rendered April 5, 1974. The Court of Appeals " Affirmed in Part, Reversed in Part and Remanded." The Court held that.

"TAX-EXEMPTION OF PRIVATE CHARITABLE FOUNDATION CHARGED WITH DISCRIMINATORY DENIAL OF GRANT MAY CONFER 'STATE ACTION' STATUS SUFFICIENT TO INVOKE EQUAL PROTECTION CLAUSE OF FOURTEENTH AMENDMENT AND DUE PROCESS CLAUSE OF FIFTH AMENDMENT TO UNITED STATES CONSTITUTION."

That this lawsuit came about after Plaintiff submitted request for funds. One of the letters submitted, See Exhibit # 1, to each of the 12 Defendant Tax Exempt Foundations, asking for employment as a Director or Trustee, scholarships for my children, and funds to invest in a number of minority business, that each of the Defendant foundations refused to answer my letter because I was Black, or rejected my request by phone after Plaintiff, made a follow up contact, or refused to answer because I was Black and it was not their policy to help Blacks.

THE STATLER FOUNDATION:

Petitioner submitted a letter to Judge Regan, asking to be appointed Trustee of this foundation, and was discriminated against by Judge Regan, because I was Black, and it was not the policy of Judge Regan, since he has been a Judge to appoint a Black man to any position, and further discriminated against Petitioner, because Petitioner was not wealthy or high middle class or a former Chairman of the Democratic Party, who has a brother who directs the affairs of the Republican Party behind the scene. Petitioner also submitted a request directly to the foundation, for scholarships for my children and funds for minority business. Petitioner was rejected or ignored because of his race. That in and by an indenture made the 2nd of March, 1934 between the Executors of the Last Will and Testament of Ellsworth M. Statler,

"THE TRUST HEREBY CREATED SHALL BE DEEMED A CHARITABLE TRUST UNDER THE LAWS OF THE STATE OF NEW YORK AND SHALL BE GOVERNED IN ALL RESPECTS BY THE LAWS OF THE STATE OF NEW YORK."

"ELLSWORTH M. STATLER INDENTURE NAMED AS TRUSTEE OF THE TRUST OR FOUNDATION HIS WIFE, THE PRESIDENT, THE FIRST, AND SECOND VICE PRESIDENT, THE SECRETARY AND THE TREASURER ALL WHOM HELD THE SAME POSITIONS OF THE HOTEL STATLER CO, INC., TO BE ALSO HOLDING SAME POSITION OF THE TRUST FUND OR FOUNDATION".

The indenture provides for President, The First, and Second Vice President, the Secretary and the Treasurer. A total of 5 Trustees. The present Trustees will only allow (3) Trustees, who are appointed by The Surrogate Court, who is

Judge Regan, for life time appointments at \$30,000 per year salaries. The indenture does not state Trustees are to be appointed for life, however the indenture clearly states that the trust would be governed in all respect by the laws of the State of New York.

The Trustees applied for and received a Tax Exemption Status from the Federal Government and The State of New York, therefore, with a Tax Exemption Status, is "STATE ACTION" and provisions of the 5 and 14 Amend. of U. S. Constitution must be obeyed. The appointment of Trustees for life time appointment is illegal, for it would be violating Constitutional requirements of conducting election as required by the 15 Amendment to U. S. Constitution. The indenture requires that same officers of the Hotel Statler Co, Inc., would be the same officers of the Trust or foundation. There is no more Hotel Statler Co, Inc. Therefore the authority for administration of this Trust rest with the Supreme Court, to appoint Trustees, when needed to be and not with the Surrogate Court. All of the present Trustees are illegal appointed. See: Hines vs. D'artois 42 L.W. 2056 (7/1/74). Last Will & Testament of Frank Idem, 256 App Div 124 (1939),

"If Trustee of a Trust is not named in trust instrument the Trust vests in the Supreme Court to administer."

See Kingsbury vs. Brandegee 100 N. Y. S. 353 (1906)

"There the trustee is not indicate with sufficient certainty or correctness the Supreme Court has power to name a trustee."

See: Application of Botjer 202 N.Y.S. 2d 323 (1960),

"Where foundation was incorporated for charitable purposes, Supreme Court had jurisdiction, under equitable powers, to fill vacancies, break stalemates and inject itself where there was threat to prevent the accomplishment of objective of charitable."

That the Statler Foundation from 1934 to 1971, is 37 years, in this period this foundation has given for charitable purposes \$521,242 to over \$ 600,000 per year to 23 to 40 Grants. In this 37 year period according to an affidavit filed in U. S. District Court for the Western New York in Action Civil 1971-592, made by Peter J. Crotty, who stated he was the Chairman of the Trustees of the Statler

Foundation, he list 9 names of persons who were Black were granted scholarships in this 37 year period, this is not one grant per year to a Black, this is admitted Racial Discrimination by officer of this Tax Exempt foundation. See Educational Equality League v. Tate 472 F.2d 612 (1973),

"Under Fourteenth Amendment, all persons colored or white, stand equal before laws of States, and Amendment contains necessary implications of positive immunity, or right most valuable to colored race of exemption from legal discrimination 42 U.S.C.#1983; U.S.C.Const. Amend 14."
(6) Affirmations of good faith in making individual selections are insufficient to dispel prima facie case of systematic exclusion of Negroes. 42 U.S.C.A. 1983.

That the Statler Foundation, has had Tax Exemption for over 37 years and in this period of time they have never invested any of their assets in Black business. They made it their legal responsibility to discriminate against Black, that is the reason they rejected to invest in minority business proposed by Plaintiff, The Statler Indenture provides as follows:

"THE TRUSTEES ACCEPT THE SHARES OF SAID STOCK SO ASSIGNED TRANSFERRED AND SET OVER TO THEM BY THE EXECUTORS, AND AGREE TO HOLD THE SAME, TOGETHER WITH ANY OTHER PROPERTY OR SECURITIES WHICH MAY HEREAFTER BE TURNED OVER AND DELIVERED TO THEM UNDER THE TERMS OF THIS INDENTURE, IN TRUST NEVERTHELESS, FOR THE PURPOSE OF THIS INDENTURE, AND TO INVEST AND FROM TIME TO TIME REINVEST THE SAME AND COLLECT THE DIVIDENDS, INTEREST, INCOME AND PROFITS, ARISING THEREFROM AND AFTER DEDUCTING THEIR REASONABLE EXPENSES AND LAWFUL COMMISSIONS,"

That all of the present Trustees are illegally appointed and must be removed, and to revoke this foundation Tax Exemption Status, for racial discrimination.

CAMERON BAIRD FOUNDATION:

Copy of Exhibit 1, was mailed to this foundation, received no written reply, I telephoned this foundation, they informed me they handle the foundation business next door, however I was told they had received my letter, however their foundation did not give grants and make investments in my area, meaning in the Black community and to Blacks. Plaintiff was rejected for Director, because he was Black, and not wealthy or upper middle class white. See Griffin vs. Illinois 351 U.S 12 (1955), Douglas vs. California 372 U.S.353 (1963), Williams vs. Illinois 399 U.S 235 (1970), Boddie v.

Connecticut 401 U.S. 371 (1971), Shapiro vs. Thompson
394 U.S. 618 (1969), Turner vs. Fouche 396 U.S. 346 (1970).

Jane D. Baird, swore to an affidavit and filed same in U. S. District Court for Western New York, in the case Civil 1971-592, stated she was a Trustee, on February 21, 1972, and further stated that all of the Trustee were children of my late husband Cameron Baird, in whose name and memory the foundation was created, and me.

Family Trustees of a Tax Exempt Trust is prohibited by section 3078.03 (5) c (a) or (b) (Family) of I. R. C. & includes brother, sister, and lineal descendants.

Jane D. Baird, affidavit being continued paragraph "4"

"I am aware that plaintiff did send several communications to the Foundation, in the name of his private foundation but I have no recollection of the specific content of any of such communications ... no response was made to plaintiff's communications."

See Slate v. McFetridge 42 L.W. 2156 (8/30/73),

"Failure of administrative officials to respond to request for use of public park for political rally until 16 days had passed and person requesting use had made second request violated due process." "By allowing the officials well, over two weeks to sit on his hands, We hold that Chicago Park District officials are liable as matter of law in damages for the delay."

Jane D. Baird Affidavit paragraph (5) she denies her paragraph 4.

"I have no recollection of nor is there any record that plaintiff in this action ever applied to the foundation for scholarships for his children during the years 1969 through 1971, nor that he applied to the foundation to be a director of the foundation at any time."

Jane D. Baird, list numerous donations to hospitals, See Western Kentucky Welfare Rights Organization v. Shultz 42 L. W. 2361 (12/20/73)

Internal Revenue Service Rev. Rul-69-69-545, allowing Private nonprofit hospital to qualify as charitable institutions before requiring them to provide service free or at reduce rates to indigents, represents sweeping policy change that is inconsistent with Congressional intent and is therefore, invalid."

See Huey v. Barloga 277 F. Supp 864 (25).

THE BAIRD FOUNDATION: THIS APPEAL IS NOT DIRECTED AGAINST THIS FOUNDATION, SOME ERROR OCCURED, AND THERE IS NO RECORD THEY WERE SERVED A SUMMON & COMPLAINT.

THE BUFFALO FOUNDATION:

Plaintiff submitted Exhibit # 1 to this foundation, and was rejected because of my race and because I was not wealthy, or Middle Class Professional all of course still must be white. Its this foundation policy not to have Black Directors or Trustees or Black employees, never in the foundations history has a Black been connected with this foundation. See: Shapiro v. Thompson 394 U.S 618,633 (1969), Turner v. Fouche 396 U.S 346, 362,364 (1970), Educational Equality League vs. Tate 472 F. 2d 612 (3).

Charles E. Stewart submitted an affidavit Sworn to January 26, 1972, stated he was the Director of the foundation and Secretary of its Governing Committee, and further stated that its Governing committee Trusees appoints three members, which is illegal, these Trustees should be elected as required by 15th Amend. U. S. Constitution, the affidavit further stated United States District Judge for the Western District of New York appoints one Trustee, Mayor of the City Buffalo, appoints one, Senior Justice of the Supreme Court Trial Term, appoints one, The Surrogate of Erie County, appoints one. The Courts and the City always appoints a White man, and the foundation does not elect the other ~~direct~~ Trustee (3), as required by the 1965 Voting Rights Act. This foundation give one or two Blacks per year a token grant. This foundation discriminated against Petitioner for Petitioner is Black. The Buffalo Foundation, appoints the three Trustees, in-lieu of election which is required by law, and 42 U.S.C 1973, has not been complied with. See Huey vs. Barloga 277 F. Supp 364 (25), Clark v. Bethlehem Steel Corp 312 F. Supp 977

WILLIAM J. CONNERS FOUNDATION:

Plaintiff submitted attached Exhibit # 1, to this foundation, this foundation rejected Plaintiff, because of his racea being Black, being not wealthy or middle class with good profession, plus its not the policy of this foundation to treat Blacks on Equal basis as whites. SEE: Gonzales v. Fairfax Brewster, Inc. 42 L. W. 2077 (7/27/73) 42 U.S.C 1981, Shapiro vs. Thompson

394 U.S. 618,633 (1969), Turner v. Fouche 396 U.S. 346 (1970), Educational Equality League vs. Tate 472 F.2d 612. See Bittker and Kaufman, Taxes and Civil Rights: Constitutionalizing, the Internal Revenue Code, 82 Yale L. J. 51,87 (1972).

The same officers of The William J. Conners Foundation, are the same officers of the Buffalo Courier Express also. See, 3077 and 1.503 (4) if the Internal Revenue Code. This prohibited having disqualified persons as directors of foundations.

The Directors of the William J. Conners Foundations, has long history of practicing racial discrimination, the same officers of the Buffalo Courier Express. This newspaper, would never carry a picture of a Black person being married, would never refer to a Black person as Mr or Mrs, and would not hire Blacks as reporters. I filed Discrimination Charges against the Buffalo Courier Express Newspaper in 1969, with the New York State Commission of Human Rights. Then they commence to change their policy. The same Directors of the William J. Conners Foundation, were the same persons over a Radio Station WEBR. They owned this station over 45 years, they hired their first Black employee their 45th year, he worked half a day a week once per week. they would not have any Black oriented programs. I filed charges against the same persons with F. C. C., charging racial discrimination. They hurried up and sold the station before F. C. C., started their investigation. This foundation had a Tax Exemption for 45 years and on their 45th year they gave a grant to a Black organization, this was their first grant to a black in history and its was their last. Howard W.

Clother, sworn to an affidavit January 18, 1972 and filed the affidavit in U. S. District Court for Western New York in Civil Action 1971-592, stating he was the Treasure of the foundation, he list the organizations that receive grants, which reflect only one Black, and their previous Annual Report also verifies the fact that Blacks have been discriminate against, for its their policy to discriminate against Blacks, that is why, Petitioner was discriminated against. However their report indicate a number of hospitals received grants, which is an illegal grant.

See: Welfare Rights Organization v. Schultz 42 L.W. 2361.
 Turner v. Fouche 396 U.S 346 (1970)
 Educational Equality League vs. Tate 472 F. 2d 612 (1973)
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 394 U.S 618,633 (1969), Bittker and Kaufman, Taxes and
 Civil Rights; Constitutionalizing, the Internal Revenue Code
 82, Yale L. J. 51,87 (1972). Gonzales v. Fairfax Brewster,
 Inc. 42 L. W. 2077 (7/27/73). The officers enter into
 a conspiracy to deprive Plaintiff his Civil Rights . The
 officers refused to answer my letters, See Slate v.s
 McPetridge 42 L.W. 2156 (8/30/73).

JAMES H. CUMMINGS FOUNDATION, INC:

That petitioner submitted Exhibit No. # 1, to this foundation
 plus many other letters. Petitioner met the , Executive
 Director of this foundation number of times in front of the
 M. & T. Bank, and conversed with him, regarding my letters
 that I had submitted. He acknowledge receiving the request
 on one occasion, after he had just returned from a trip to
 England or France, and on another occasion, I met him, he
 had just returned from Philadelphia or Pittsburg, each time
 I talked with him, he complained because I was Black and had
 an office on Main Street, F. Taylor Root, submitted an
 affidavit and filed it with U. S. District Court fo Western
 New York, he list organizations he claim were Black that
 had been givengrants. however checking each organization
 and checking their Annual Report filed with Internal Revenue
 Service, established that in 12 year period this foundation
 may have given to total of 7 Black organizations. This
 foundation has denied Plaintiff the right to vote and nominate
 persons for office, for its their policy only to allow wealthy
 or White professional people the right to vote and hold office
 in their foundation. This foundation rejected my request

for financial help and employment because I am Black.

SEE: Shapiro vs. Thompson 394 U.S 618,633, (1969), Turner vs.
 Fouche 396 U.S 346,362,364 (1970), Educational Equality
 League vs. Tate 472 F2d 612 (3) " Under Fourteenth

Amendment, all persons, colored or white stand equal before laws of states and amendment contains necessary implication of positive immunity, or rights most valuable to colored race, of exemption from legal discrimination, 42 U.S.C.A 1983; Const. Amend 14.

See Turner vs. Fouche 396 U.S 346 (1970) Educational Equality League vs. Tate 472 F. 2d 612 (1973). Huey vs. Barloga 277 F. Supp 864

HARRY DENT FAMILY FOUNDATION:

Plaintiff submitted Exhibit # 1, to this foundation, and Plaintiff was rejected for employment in the way as a Director or Trustee and for scholarship for my children and funds for minority business, because I being Black and also because I being poor. It has been this foundations policy to discriminate against Blacks, not to employ them or have them as directors or trustees, and never allow Blacks to vote in their elections. You must be a member of the wealthy Dent family or a Banker or white professional making big money to be a director of this foundation.

Their Annual Report indicates they give much of their funds to hospital . SEE:

Eastern Kentucky Welfare Rights Organization v. Shults 42 L.W 2361 (12/30/73), Turner v. Fouche 396 U.S. 346 (1970), Shapiro vs. Thompson 394 U.S 618 (1969), Educational Equality League vs. Tate 472 F. 2d 612, "Under Fourteenth Amendment all persons, colored or white stand equal before laws of State and Amendment contains necessary implication of positive immunity or right most valuable to colored race, of exemption from legal discrimination 42 USA 1983."

This foundation has history of discriminating against Blacks, when this foundation discriminated against Petitioner, it was the general policy of the foundation, not to treat Blacks on equal basis as whites, not to have Black directors or trustees or to invest any of their assets in Black businesses and not to conduct an election whereby Petitioner could nominate and vote for candidates. See: McGlotten vs. Connally 338 F. Supp 448 (1972), Falkenstein v. Dept. of Revenue 350 F. Supp 887, Appeal dismissed 409 U.S 1099 (1973) Green v. Kennedy 309 F. Supp 1127 (1970), Norwood v. Harrison 37 L.Ed 2d 723 (1973), Bob Jones University vs. Connally 341 F. Supp 277 (1971) revid on other grounds 472 F2d 903.

This foundation obtained their Tax Exemption from the Federal and State in 1954, for Educational purposes, from 1954 to

1971, is 17 years, and never in this period of time has this foundation given a grant to Blacks, employed a Black, or had a Black elected as director or trustee. They do not conduct an election as required by law, to make sure no Blacks votes. William v. Rhodes 393 U.S. 23 (1968). 42 U.S.C 1973, has not been complied with, U.S. County Board of Election of Monroe County, New York 248 F. Supp 316, appeal dismissed 383 U.S. 575., Gray vs. Main 291 F. Supp 998 (1968). Lubin vs Leonard Parish Registrar Record, County of Los Angeles 42 L. W. 4435, March 1974.

FERGUSON FOUNDATION, INC.:

Petitioner submitted Exhibit # 1, to this foundation, and plaintiff did not receive a response, after wait considerable length of time, telephone Mr. Ferguson, that his foundation only gives their money to their church, checking their Annual Report found this statement to be false, Mr. Ferguson further informed me that the foundation officers were his wife and son and himself, and they to were also officers of the Ferguson Construction Corporation. This corporation has been in existing over 25 years, and has never had a Black employee. The foundation has never given a grant to a Black, and will only allow members of their family as directors of the foundation, and will not conduct an election as required by the 15th Amendment to United States Constitution. Mr. Ferguson informed me that their foundation did not give grants in the area I lived in meaning Black area. I was rejected because I was Black. See: 3077, 1.503, 3078.03 (5) and 101 of the 1969 Tax Reform Act. Denial Exemption for Prohibition transaction "members of the family are described in the section as Disqualified persons (c) "Family, included brother and sisters, whether be whole or half blood, spouse, ancestral lineal descendants, Wilful violation Apenalty equal of 100% of the initial and additional taxes is imposed on the disqualified person, foundation Manager. The Directors of the foundation Mr. & Mrs Ferguson and their Son Jr., are officers of the Ferguson Construction Firm and the Ferguson Foundation, al/involation of I. R. C., Turner vs fouche 396 U.S 346 (1970), Shapiro vs. Thompson 394 U.S. 618.

Educational Equality League vs. Tate 472 F.2d 612, Huey vs. Barlogo 277 F. Supp 864. Jackson vs. The Statler Foundation 42 L. W. 2538 (CA-2) 4/5/74. This foundation is exempted for Religious and Educational activities.

JOSEPHINE GOODYEAR FOUNDATION:

That Petitioner submitted Exhibit # 1, to this foundation, and Plaintiff was rejected because of his race, and because Plaintiff is a Male.

That on January 6, 1972, E. W. Dann Stevens, filed an affidavit in U. S. District Court for Western New York, Docket No 1971-592, Paragraph 5 of his affidavit, he stated first he was an officer of the foundation

"THAT THE JOSEPHINE GOODYEAR FOUNDATION HAS OPERATED AS A PRIVATE FOUNDATION SINCE JANUARY 9, 1956, AT WHICH TIME IT CHANGED ITS NAME FROM JOSEPHINE GOODYEAR CONVALASCENT HOME TO ITS PRESENT NAME, JOSEPHINE GOODYEAR FOUNDATION, SINCE THAT DATE, THE FOUNDATION HAS OPERATED AS A PRIVATE FOUNDATION WITH ITS BASIC PURPOSE AS DESCRIBED IN ITS BY-LAWS AS FOLLOWS:

TO PROMOTE AND BENEFIT THE HEALTH, EDUCATION, CARE, CONVALESCENCE AND WELFARE OF WOMEN AND CHILDREN INDIVIDUALLY, IN FAMILIES OR IN GROUPS IN THE STATE OF NEW YORK OR ELSEWHERE IN THE UNITED STATES OF AMERICA BY CONTRIBUTIONS OF FINANCIAL ASSISTANCE AND ALSO TO PROMOTE AND BENEFIT SUCH CORPORATIONS AS MAY BE OPERATING IN WHOLE OR IN PART FOR THE HEALTH, EDUCATION, CARE, CONVALESCENCE AND WELFARE OF WOMEN AND CHILDREN WITHIN THE STATE OF NEW YORK, OR ELSEWHERE IN THE UNITED STATES OF AMERICA."

First the Internal Revenue, had no Right to grant this foundation a Tax Exemption Status, based on their own by - laws. 4945 Sect. bars individual grants of the Internal Revenue Code of 1954. It also violates Article XIX of United States Constitution.

This foundation by-laws bars giving a grant to an organization that has a Male, especially a Black Male. The officers of the

Josephine Goodyear Foundation, entered into a conspiracy to deprive Petitioner rights and equal opportunity to obtain benefits from their Tax Exemption Status from Federal Government and the State of New York on equal basis as whites and as women, this is a conspiracy under color of State Law. The Court held in Jackson v. The Statler Foundation, 42 L.W. 2538, Grant of Tax Exemption, was State Action. See Huey vs. Barlogo 277 F. Supp 864,

Educational Equality League vs. Tate 472 F2d 612. The letters mailed to this foundation plus Exhibit # 1 that was hand carried to the office, the officers and directors refused to respond .

See: Slate vs. McPetridge 42 L. W. 2156 (9/30/73) "

I then telephone their office and was informed that, I was not eligible being in the area I lived meaning being Black, and that they did not invest in Black business, they only invested in listed securities. See, Shapiro vs. Thompson 394 U.S 618. Turner vs Fouche 396 U.S 346 (1970).

E. W. Dann Stevens, affidavit continued by stating that the Josephine Goodyear Foundation, has 10 Directors, eight (8) are related to the founding Goodyear family and the other primarily selected as being a banker and an Attorney.

... .. There is realitevely little turnover in the Board of Directors most of whom are elected to succed themselves and the last three replacements have come from within the Goodyear family.

This violates 3077, 1.503. 3078.03 (5) and 101 of I.R.C.

Members of the family are disqualified persons, this also violates Article XXII of United States Constitution.

Petitioner was denied the right to vote and hold office in this Tax Exempt Foundation, because of my Color and being poor.

See William v. Rhodes 393 U.S.23 (1968), the foundation elections procedure has not been approved in advance as required by

42 U.S.C 1973, U.S vs. County Bd of Elections of Monore County, New York 248 F. Supp 316, Gray vs Main 291 F. Supp 998, Lubin vs. Leonard Parish Registrar Recorder, County of Los Angeles 42 L.W. 4435 March 1974., Wigoda vs. Cousins 302 N.E 2d 614, Reynolds vs. Sims 377 U.S 533, 562, Educational League vs. Tate 472 F.2d 612, Whatley vs. Clark 482 F. 2d 1230, Jennings vs. Davis 476 F. 2d 1271, Shakeman vs. Democratic Organization 435 F. 2d 267.

JULIA R, AND ESTELLE L. FOUNDATION, INC.:

Petitioner submitted numerous letter to this foundation, Petitioner, submitted Exhibit # 1, to this foundation also, and never received a response. See Slate vs. McPetridge 42 L. W. 2156.

This foundation rejected my request to be a director or trustee scholarships for my children, and funds for minority business because its their policy to discriminate against Blacks.

In 40 year period this foundation Annual Report shows they made three grants to blacks. They did give to some hospitals. they have never conducted an election as required by law, they denied Petitioner the right to vote and hold office because he is poor and Black, to be an candidate for office in this foundation, you must be an officer of the Trico Corporation, be wealth and white. See Welfare Rights Organization vs. Shults 42 L.W.2361, Turner vs. Fouche 396 U.S 346, Shapiro vs. Thompson 394 U.S 618. Educational Equality League vs. Tate 472 F. 2d 612, Huey vs. Barloga 277 F. Supp. 864. William vs. Rhodes 393 U.S 23. This foundation election procedure has not been approved as required by 42 U.S.C 1973.

THE MARGARET L. WENDT FOUNDATION:

Petitioner submitted number of letters to this foundation without receiving any reply. Petitioner submitted Exhibit #1, to this foundation, and did not receive a reply. To one of my letters I did receive a reply informing me I was not qualified, and they had no funds. I telephone the foundation and was told that they did not give grants in the area I lived or words to that effect. I was rejected because of my color. Ralph W. Loew, on February 3, 1972, submitted an affidavit, U. S. District Court for Western N. Y. stating he was one of the original Trustees of The Margaret L. Wendt Foundation, and that the foundation was created by a certain Trust Indenture dated the 20th of February 1956, he further stated that the foundation is not an "OPERATING FOUNDATION", According to the 1969 Tax Reform Act a foundation is is not operating is suppose to surrender their Tax Exemption Status during that period, which this foundation has not done so. Ralph W. Loew affidavit continues by listing the donor the foundation has donated to from 1956 to present day, he admits they have never given one grant to Blacks. He continues by say that the reason no grants has been made to Blacks, that no Blacks has applied

attached to the same moving papers was an affidavit from Robert J. KRESSE, who admits receiving some of the letters and answering one letter, he so stated in his affidavit. While still added to the same Motion papers was an affidavit of Thomas D. Lunt, who recalls talking to Petitioner. It is evident when a request is received from a Black person, there is individual action to reject the request. When request comes from whites the entire Board of Directors considers it. This system violates Section 4945 (g) of the Internal Revenue Code.

Memorandum submitted by Attorney for Defendant Margaret L.

Wendt Foundation and filed in U. S. District Court for the Western New York Civil No 1971-592, dated March 2, 1972,

stated under terms of the Trust Indenture the original Trustees are to serve until their death, resignation or inability.

This would be legal providing they did not obtain a Tax Exemption Status. They have now obtained a Tax Exemption, and therefore since the Trustees are not correctly stated the Supreme Court would have jurisdiction to appoint Trustees of this Foundation. See Kingsbury vs Brandegge 100 N. Y.S 353

"There the trustee is not indicate with sufficient certainty or correctness the Supreme Court has power to name a Trustee."

See Application of Botjer 202 N.Y.S.2d 323.

A grant of Tax Exemption is State Action, and those holding such Exemptions, must obey Constitutional provisions. This foundation has not conducted an election as required by law, and has denied the right to vote and hold office, because Plaintiff is Black.

See Jackson v. The Statler Foundation 42 L. W.2538, William v. Rhodes 393 U. S. 23, NAACP v. Button 371 U.S 415, 1964 Civil Rights Act, 1965 Voting Rights Act, 42 U.S.C 1971, Shakeman vs. Democratic Organization 435 F. 2d 267, United Ossing Party vs. Hayduk 357 F. Supp 962. Turner vs Fouche 396 U.S. 346, Educational Equality League vs. Tate 472 F.2d 612, Huey vs. Barloga 277 F. Supp 864, 42 U.S.C 1973.

THE FARNY R. AND GRACE K. WURLITZER, INC.:

Plaintiff submitted numerous letters to this foundation for funds for various purposes and neither letter was ever replied to. Plaintiff submitted Exhibit # 1, to this foundation, receiving no response, then telephone the foundation, and was informed that Petitioner lived in the area that they did not give grants to or words to that effect, in other words they did not give grants to the Black community. Morris C. Bristol, swore to an affidavit on 19 day of JANUARY 1972, and file same in U. S. District Court for Western N. Y., stating he was

Secretary of the foundation, and the foundation was established for Religious, Charitable, Scientific and Educational purposes.

Paragraph 4 of his affidavit he states "THE FOUNDATION ITSELF CONDUCTS NO CHARITABLE WORKS." The Secretary admits the foundation does no charitable work, and therefore should not have a Tax Exemption status by the Secretary affidavit. This foundation has never given a Grant to a Black person. The rejection of Plaintiff application for scholarship for my children, employment and funds for minority business, was rejected because its not the foundations policy to help blacks on equal basis as they do whites. This foundation, deprive Petitioner the right to vote and hold office. SEE: 4945 (g) of IRC., Educational Equality League vs. Tate 472 F2d 612, Huey v. Barloga 277 F. Supp 864, Turner v. Fouche 396 U.S 346, Bittker and Kaufman, Taxes and Civil Rights Constitutionalizing The Internal Revenue Code 82 L.J. 51. 87 (1972), Jackson vs. Statler Foundation 42 L. W. 2538, William vs. Rhodes 393 U.S. 23, NAACP vs Button 371 U.S 415, 1964 Civil Rights Act, 1965 Voting Rights Act.

This foundation has never invested any of their assets in Black businesses. This foundation, discriminated against Petitioner, for its their policy to discriminate against, blacks, in voting employment, grant making.

FRED L. EMERSON FOUNDATION, INC:

Petitioner submitted numerous of letters to this foundation, without any reply. Petitioner submitted Exhibit # 1, to this foundation, Petitioner then telephoned the Foundation Manager a total of 4 different times after the foundation manager learned that I was Black, I would be told I was not eligible for consideration or words to that effect. A careful investigation of the foundation Annual Reports, reveals that not once in the 39 years this foundation has had a Tax Exemption, have they ever given a grant to a Black Organization. Only relatives of the Emerson family or Wealthy White people are given consideration for directorship. This foundation denied petitioner the right to vote and hold office because of his not being wealthy and being Black.

See: Educational Equality League vs. Tate 472 F. 2d 612, Slate vs. McPetridge 42 L. W. 2156, Huey v. Barloga 277 F. SUPP. 864, Clark vs. Bethlehem Steel Corp 312 F. Supp 977, Turner vs. Fouche 396 U.S 346, Gonzales vs. Fairfax Brewster, Inc 42 L.W. 2077, William vs Rhodes 393 U.S. 23.

JUDGE WILLIAM J. REGAN:

Judge Regan, Surrogate Judge, uses political consideration in appointments of Trustees to the Statler Foundation, Judge Regan, does not have the authority to appoint Life Time Directors or Trustees. Only the New York State Legislature has the Authority to make a life time Trustee. Judge Regan, has no legal authority over the Statler Foundation. The Statler Indenture states that the Trustees could obtain a Tax Exemption Status, they did obtain a Tax Exemption Status See: Application of Botjer 202 N.Y.S. 2d 323, In re Martin Foundation, Inc., 343 N.Y.2d 518, James Estate, 22 Misc 2d 1062. The authority for appointing Trustees, rest with the Erie County Supreme Court. All of the present Trustees are illegally appointed, and must be removed from office. The Statler Indenture provides for 5 Trustees, and these 5 can conduct their own elections, or election can be held when the number drops to 4, only when an emergency arrived and the number is less than 3 does the Court

make an appointment. While Attorney Peter Crotty, was

Chairman of the Democratic Party, he gave Judge Thomas McDonald, the position of Surrogate Court, Judge McDonald, then appointed Attorney Crotty, to the Life Time Trustee of the Statler Foundation at an annual salary of \$30,000 per year. Walter Mahoney, had Judge Regan, appointed to the Judge of the Surrogate, and in return, Judge Regan appointed Walter Mahoney brother Attorney William R. Mahoney, as Life time Trustee of the Statler Foundation, at a life time annual salary of \$30,000 per year. See: Shakeman vs. Democratic Organization 435F. 2d 267, Educational League vs. Tate 472 F2d 612, Turner vs. Fouche 396 US. 346.

The Attorney General has supervisor powers over Charitable Trusts Delia v. 509 F2d 1396.

Commissioner of Taxation and Finance, State of New York and The Attorney General of The State of New York and United States Secretary of Treasury, refused to perform their legal responsible to revoke the tax exemption of foundations that practice racial discrimination.

THE STATLER FOUNDATION, CAMERON BAIRD FOUNDATION, THE BUFFALO FOUNDATION, WILLIAM J. CONNERS FOUNDATION, JAMES H. CUMMINGS FOUNDATION, HARRY BENT FAMILY FOUNDATION, FERGUSON FOUNDATION, INC., JOSEPHINE GOODYEAR FOUNDATION, JULIA R AND ESTELLE L. FOUNDATION, THE PARNY R AND GRACE K. WURLITZER, INC., FRED L. EMERSON FOUNDATION, INC, THE MARGARET L. WENDT FOUNDATION,

That each of these 12 Defendant Tax Exempt Foundations, conspired individually and among themselves directors or trustees, to deprive Petitioner his right to vote and hold office in these foundations, by each of the officers, directors or trustees privately selecting RICH WHITE OR WHITE HOLDING BIG PAYING PROFESSIONAL POSITIONS, as directors, trustees or officers of Trust or Foundations. All of the Foundations have Tax Exemption status from the Federal Government and the State of New York, and they discriminate against petitioner because

Petitioner is Black and poor. This ^{is} wealth discrimination. These 12 Defendants voting procedure has not been approved as required by Voting Rights Act of 1965 (5) as amend 42 U.S.C.A 1973 c.

These defendants do not send out notices of Nominations or elections of Directors, Trustees or officers, which discriminates against Petitioner and deprives Petitioner the right to vote and be a candidate. The private discriminatory method used by these defendants is to assure members of families of control and officers of Corporations that make large donations control of Private foundations, who are listed as disqualified persons, See 3077, 1.503, 3078.03 and 101 of The Internal Revenue Code.

United Ossing Party v. Hayduk 357 F. Supp 262 (1971)
 Williams vs. Rhodes 393 U.S 23 (1968),
 Brandenburg vs. Ohio 395 U. S. 444 (1969)

The only members who become appointed Trustees or Directors, are wealthy people of Middle Class Whites holding good paying professional positions. This is wealth discrimination practice by these Tax Exempt foundations, with a Tax Exemption from the Federal Government and Tax Exemption from State of New York.

See: NAACP vs. Button 371 U. S. 415 (1963)
 Scales vs. U. S. 367 U. S. 203 (1961)
 Yates vs. U.S 354 U. S. 298
 Keyshian vs Board of Regents 385 U. S. 589 (1967)
 Reynolds vs. Sims 377 U. S. 523 (1964)
 Tax Exemption, Speiser vs. Randall 357 U. S. 513
 Masberry vs. Sanders 376 U. S. 17 (1964)
 Lubin vs. County of Los Angeles 42 L. W 4435 (1974)
 Scheuer vs. Rhodes 42 L. W 4543 (1974)
 Allen vs State Board of Election 393 U. S. 544 (1969)
 Kasper Jr., vs Pontikes 42 L.W. 4003 (1973)
 Polindexter vs Louisiana Education Comm's for Needy Children
 252 F. Supp 153 (E.E.La 1966) Affid men 393 U.S. 17 (1968)
 Shelly vs. Kramer 334 U. S. 1 (1947)
 Marsh vs State of Alabama 326 vs. 501
 U.S. vs County Bd of Election 383 U. S. 575 (1966)
 Pennsylvania vs Board of Trust 353 U. S. 230 (1957)
 Freedman vs. Maryland 380 U. S. 51 (1965)
 U. S. vs County Bd of Election of Monroe County, N. Y. 248 F.
 Supp 316, Appeal dismissed 86 S. Ct 1377,
 Miller vs The Bd of Education of Gadsden, Ala 482 F. 2d Supp
 1234 (1973).
 Yanito vs Barter 348 F. Supp 537 (1972)
 Gonzales vs Fairfax Brewster, Inc 42 L.W. 2077 7/27/73
 Vigoda vs Cousin 302 N.E. 2d 614 (1973)
 Trust college vs Vope Construction Co 39 L. W. 2332
 King vs Laborers 443 F2d 273, 26 U.S.C # 170, 42 USC 1971.

CONCLUSION:

That each of the 12 Tax Exempt Defendant foundations have discriminated against Petitioner in grants and employment, and have deprived Petitioner the right to Vote and hold Office, because the illegal method used by these foundations, has not been approved as required by law, whereby they select White people who are wealthy, or White people who are Middle Class holding professional positions, relatives of the family or Corporations that have given large grants. That each officer conspire individually and with other officers of their foundation to deprive Petitioner due process of the law and Equal Protection of the Law. The Surrogate Court does not have the authority to appoint life time Trustees of the Statler Foundation, or does it have any legal right to have any control over the Statler foundation, the proper authority is Erie County Supreme Court. All trustees of the Statler Foundation have been illegal appointed and must be removed to protect the Trust. The MARGARET L. WENDT FOUNDATION, is suppose to be under the direct supervision of the Erie County Supreme Court, to appoint all Directors.

That this Court revoke each of these 12 Tax Exemption Status from the Federal Government and Tax Exemption from the State of New York, of each of the 12 Defendant foundations. Order each of the Defendants pay Petitioner damages in the amount of \$500,000 with interest from 1971. Ordering Commissioner of Taxation and Finance, State of New York and United States Secretary of Treasury, to take appropriate action which the law provides in such cases. Ordering Attorney General, State of New York, to bring suit against each individual Director or Trustee of these 12 Foundations, requiring them to re-pay funds used in this lawsuit to maintain racial discrimination and depriving the right to vote all which violates Federal and State laws.

In the alternative of revoking the 12 Defendants Tax Exemption Status. Ordering all officers of these foundations election being Null and Void, or appointments being Null and void, place the 12 foundations under the administration of the Court, and appoint an administrator, to supervise nominations and election of officers, Directors and Trustees, and as to those being appointed, to consider applicants without regards to race, wealth or position. All present officers of these Trust or Foundations, be declared as being un-qualified to stand for election for 5 year period.

One Note that has not been mentioned, the fact that United States Attorney appeared in District Court and claimed he had not been served or U. S. had not been served. The transmittal sheet from United States District Court of the District of Columbia, second item from the top clearly states U. S. Atty served 3-29-74, plus I have all of the United States Marshall's Returns, showing United States Government was served in this lawsuit. The file that was returned from U. S. District Court for the District of Columbia, to U.S. Court Western District of New York, is missing Marshall's returns for U.S. Secretary of Treasury. I was mailed copies of service from U. S. Marshall's Office, and have such copies in my file showing all Defendants in this lawsuit were served, with the exception of THE BAIRD FOUNDATION, which I stated on page 7 this appeal was not against.

O LORD MY GOD IN THEE DO I PUT MY TRUST:
 SAVE ME FROM ALL THEM THAT PERSECUTE ME,
 AND DELIVER ME:

LEST HE TEAR MY SOUL LIKE A LION, RENDING IT
 IN PIECES, WHILE THERE IS NONE TO DELIVER.

O LORD MY GOD, IF I HAVE DONE THIS; IF
 THERE BE INIQUITY IN MY HANDS;
 IF I HAVE REWARDED EVIL UNTO HIM THAT WAS
 AT PEACE WITH ME; (yea, I have delivered him
 that without cause is mine enemy:)

Let the enemy persecute my soul, and
 take it; LET HIM TREAD DOWN MY LIFE UPON
 THE EARTH, AND LAY MINE HONOUR IN THE DUST.
 SE'-LAH.

ARISE, O LORD, IN THINE ANGER, LIFT UP THYSELF
 BECAUSE OF THE RAGE OF MINE ENEMIES: AND
 AWAKE FOR ME THE JUDGMENT THAT THOU HAST
 COMMANDED.

SO SHALL THE CONGREGATION OF THE PEOPLE
 COMPASS THEE ABOUT: FOR THEIR SAKES THEREFORE
 RETURN THOU ON HIGH.

THE LORD SHALL JUDGE THE PEOPLE: JUDGE
 ME, O LORD, ACCORDING TO MY RIGHTEOUSNESS,
 AND ACCORDING TO MINE INTEGRITY THAT IS IN ME.
 OH LET THE WICKEDNESS OF THE WICKED COME
 TO END; BUT ESTABLISH THE JUST: FOR THE RIGHTEOUS
 GOD TRIETH THE HEARTS AND REINS.
 MY DEFENCE IS OF GOD, WHICH SAVETH THE
 UPRIGHT IN HEART.

GOD JUDGETH THE RIGHTEOUS, AND GOD IS
 ANGRY WITH THE WICKED EVERY DAY.

IF HE TURN NOT, HE WILL WHET HIS SWORD; HE
 HATH BENT HIS BOW, AND MADE IT READY.

HE HATH ALSO PREPARED FOR HIM THE INSTRUMENTS OF DEATH;
 HE ORDAINETH HIS ARROWS AGAINST THE PERSECUTORS.

BEHOLD, HE TRAVAILETH WITH INIQUITY, AND HATH CONCEIVED
 MISCHIEF, AND BROUGHT FORTH FALSEHOOD.

HE MADE A PIT AND DIGGED IT, AND IS FALLEN INTO THE
 DITCH WHICH HE MADE.

HIS MICHIEF SHALL RETURN UPON HIS OWN HEAD, AND HIS VIOLENT
 DEALINGS SHALL COME DOWN UPON HIS OWN PATE.

I WILL PRAISE THE LORD ACCORDING TO HIS RIGHTEOUSNESS:
 AND WILL SING PRAISE TO THE NAME OF THE LORD MOST HIGH.

PSALMS 7: 1- 17

NOTE: The original lawsuit against these foundations was filed
 in 1971, since this time many big persons as Directors
 or persons having authority to appoint Trustees or
 Directors, have died.

Respectfully submitted,
Rev. Donald L. Jackson
 Rev. Donald L. Jackson

THE DONALD JACKSON FOUNDATION
P. O. BOX 404
BUFFALO, NEW YORK 14207

November 4, 1971

Dear Sir:

Our foundation is Tax Exempt Educational Foundation.
This letter is being mailed to most of the foundations
in this area and to many foundations in other areas.

I have five sons, however, four of them needs a scholarship. I am asking you to give my sons a scholarship and mail the scholarship directly to the school, for you know its very difficult infact it violates the Internal Revenue Rules for a member of a foundation to give his own children a scholarship. My oldest son is 14 years old and he is a Sophomore at Pine Forge Academy, Pine Forge, Pennsylvania. It cost about \$1,900 per year for tuition and Board, however, my son works in the cafeteria and he earn about one third of his tuition. His name is Donald L. Jackson Jr., and you have permission to make inquiry directly with the Dean of Pine Forge Academy, regarding my sons grade, he is a "B" student. The other of my sons that needs a scholarship is Theoddeus, Mikol and Stephen, they attend, Emanuel Temple Seventh Day Adventis School at 300 Adams St., Buffalo, N. Y. they need all together about \$250. scholarship, please send the scholarship directly to the school.

I am a Negro, I have attended college and have some legal training, I have had experience in being President of a foundation and President of Real Estate Corporation. I would like to become a Director of your foundation if it is a paid position or not. It is my understanding there is not one Negro Trustee or Director of a White foundation outside of New York City, and infact, there are only four foundations in New York City, that has Negro directors. I am enclosing a copy of my Resumes, and if there is additional information you need please feel free to ask for it.

Our foundation needs to raise \$10,00.00 for a scholarship program, plus \$30,000.00 for TV Educational program, where we produce TV shows and give them to stations free of charge.

The vast amount of funds in each of your treasuries, in the pass none of these funds have been invested in business in the Negro community. We plan to establish a corporation to sell stock in a type of business that is needed in our community. I will not go into detail at this time, however will each of the foundations that receive this letter agree to invest some money in this corporation by purchasing some stock.

Sincerely yours,

Rev. Donald L. Jackson
Rev. Donald L. Jackson
President.

Exhibit ~~2~~ 1

LaSalle Extension University

Founded



A.D. 1908

A Correspondence Institution

The Board of Directors
at Chicago, in the State of Illinois

To All to whom these Letters may come, Greeting:

Be it known that this day by virtue of the Authority in us vested and upon the recommendation of the Faculty we have conferred upon

Donald Louis Jackson, Sr.

the Degree of
Bachelor of Laws

being a certificate of qualification in the studies completed together with all the Rights, Honors, and Privileges here or elsewhere thereunto appertaining
In Witness Whereof the Seal of the University and the Signature of its Officers are hereunto affixed

Given at Chicago, Illinois, on the 8th day of February, 1962



Lowell C. Donk
EDUCATIONAL DIRECTOR

Paul H. [Signature]
DIRECTOR OF DEPARTMENT

[Signature]
PRESIDENT

[Signature]
ASSISTANT SECRETARY

Exhibit # 2

Appeal Brief 742093
This paper received at
Erie County Attorney's Office
from Rev. P. Jackson
the 24 day of Sept. 1974
at a.m.

2 copies

J. A. Bencaglen
Assistant County Attorney

James L. Magavern
Attorney for (Hon. William J. Regan)
Erie County Attorney
Erie County Hall
7th Floor
25 Delaware Avenue
Buffalo, New York 14202

Received at DEPARTMENT OF LAW
65 Court Street
Buffalo, N. Y. 14202

Michael F. Collingan
Assistant Attorney General
(Hon. Marino A. Procaccino and
Hon. Louis J. Lefkowitz)
The Capitol
Albany, New York 12224

From Rev. Donald Jackson
(2 copies)

John T. Elfvin
United States Attorney
(Hon. George P. Schultz)
502 United States Courthouse
Buffalo, New York 14202

on Sept 24 1974
at 12:30 P.M.

Yours, etc.
Rev. Donald L. Jackson
P. O. Box 494
Buffalo, New York 14205

Tel 716-842-0859

September 24, 1974

I Certify that 2 Copies of appeal Brief
in this case Jackson vs. The State Foundation
Docket No 74-2093 was sent to each attorney at
each attorney admitted service by sign before the
name. 2 Copies were placed in proper address
envelope and mailed to atty Donald R. Horst, with, Shv. from
Van. Hospital, 700 mil - to time this date. Ogden Brown was sent
and he has also appeal for the Enorm Foundation. All Parties
Have been served.
Rev Donald & Josh

2- Copies of appeal Brief served on the following Attorneys

TO:

Received two copies of
Appeal Brief - Docket # 74-2093
for Mr. Hitchcock - Mary
Collins Hildner

Phillip, Lytle, Hitchcock, Blaine & Huber, Attorneys
(James H. Cummings Foundation, Inc., The Buffalo
Foundation, The Farny and Grace Wurlitzer, Inc.
3400 Marine Midland Center)
Buffalo, New York 14203

Rec'd 2 copies of Appeal
Brief Docket # 74-2093.

Attorney William B. Mahoney
(The Statler Foundation)
1400 Liberty Bank Building
Buffalo, New York 14202

4/24/74 - Dianne Mydyan

for Wm B. Mahoney

Hodgson, Russ, Andrews, Woods, & Goodyear, Attorneys
(Ferguson Foundation, & Cameron Baird Foundation)
1800 One M & T. Plaza
Buffalo, New York 14202

Received 2 copies
of Appeal Brief Docket
74-2093 9/24/74
James Wurlitzer

Ogden R. Brown, Brown, Kelly, Turner, Hassett, & Leach
Attorneys (Harry Dent Family Foundation)
700 Niagara Frontier Building
Buffalo, New York 14202

Rec'd 2 copies of appeal
brief Docket # 74-2093

Account trans for Ogden R. Brown

Rec'd 2 copies of Appeal
Brief Docket 74-2093

E. W. Dann Stevens, Williams Stevens, & McCarville
Attorney (Josephine GOODYEAR Foundation)
1920 Liberty Bank Building
Buffalo, New York 14202

9/24/74 - Cheryl Beedinger
for E.W. Dann Stevens

Robert J. Kresse, Hellings, Morey, Kresse & Rickers,
Attorneys (Margaret Wendt Foundation)
840 Marine Trust Building
Buffalo, New York 14203

Rec'd 2 copies of Appeal Brief
Docket # 74-2093

Received 2 copies of Appeal
Brief Docket 74-2093
for E. W. Dann Stevens & McCarville
by J. F. Schindler & Co.

Albert L. Mugel, Jaeckel, Fleishmann, & Mugel, Attorneys
(Julia R AND Estelle L. Foundation)
700 Liberty Bank Building
Buffalo, New York 14202

Donald R. Harter, Wiser, Shaw, Freeman, Van Graafeiland,
Harter & Secrest, Attorneys (Emerson Foundation)
700 Mid-Tower
Rochester, New York 14604

(See next page)

M. D. Kondor
Falk, Turner, Glick
Tupper & Maloney
Docket # 74-2093
for E. Wolf

Attorney Edwin H. Wolf, Falk, Siemer, Glick, Tuppen &
Maloney Attorneys (William J. Connors Foundation)
2200 Erie County Savings Bank Building
Buffalo, New York 14202